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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/016,615

10/30/2001

Cherisse M. Nicastro

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EXAMINER

BASIT, ABDUL

ART UNIT

PAPER NUMBER

3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/016,615	NICASTRO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Abdul Basit	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 25-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/26/07</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1-24, drawn to a system for defining and managing an asset.
- II. Claim 25-55 and 64 are drawn to a second system for defining and managing an asset.
- III. Claims 56-63, and 65-79 are drawn to a third system for defining and managing an asset.

2. The inventions are distinct from each other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case, invention I has a separate utility as a system for defining and managing an asset, invention II has a separate utility as a second system for defining and managing an asset, and invention III has a separate utility as a third system for defining and managing an asset.

3. During a telephone conversation with Attorney Viera on April 2, 2007 at approximately 12 pm a provisional election was made with traverse to prosecute the invention of invention I, claims 1-23. Affirmation of this election must be made by applicant in replying to this Office action. Claim 24-79 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

***Regarding claim 5 and 6:***

5. Claims 5 and 6 both recites the limitation "data input." There is insufficient antecedent basis for this limitation in the claim, because claim 2 does not recite a data input.

***Regarding claim 23:***

6. The term "real time" in claim 23 is a relative term which renders the claim indefinite. The term "real time" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-17, 21 and 24 rejected under 35 U.S.C. 102(a) as being anticipated by Jeffrey Rankin's article, "Computer-assisted construction planning," (Thesis paper, published April, 2000, The University of British Columbia, 102 pages).

***Regarding claim 1:***

Rankin teaches:

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- A system for defining and managing an asset, comprising a data store for virtual area data provided on a computer coupled to a network; (see pages 23-30) and
- A data input and supplement toolset linking virtual area data to business objects. (see page 28).

***Regarding claim 2:***

Rankin further teaches the virtual area data is comprised of data arranged in a hierarchical data structure representing three-dimensional physical space. (see page 19).

***Regarding claim 3:***

Rankin further teaches that the virtual area data is linked to item specification data values comprising an item specification provided in a plurality of data fields describing the item. (see page 28-30).

***Regarding claim 4:***

Rankin teaches that the item specification data includes at least one attribute value, at least one component value, and at least one allocation value. (see page 28-30).

***Regarding claim 5:***

Rankin teaches that the data input and supplement toolset comprises a computer aided design software plug-in. (see page 15-16).

***Regarding claim 6:***

Rankin teaches that the system of claim 2 wherein the data input and supplement toolset comprises a item specification creation and editing tool.

***Regarding claim 7:***

Rankin teaches that the data input and supplement toolset includes an item procurement toolset. (see page 27).

***Regarding claim 8:***

Rankin teaches that the item procurement toolset includes a bid tool. (see page 34).

***Regarding claim 9:***

Rankin teaches that the item procurement toolset includes a request for quotation tool. (see page 33).

***Regarding claim 10:***

Rankin teaches that the data modification toolset includes a cost management toolset. (see page 34).

***Regarding claim 11:***

Rankin teaches that the data input and supplement toolset includes an estimate tool. (see page 34).

***Regarding claim 12:***

Rankin teaches that the data input and supplement toolset includes an invoice tool. (see page 38).

***Regarding claim 13:***

Rankin teaches that the data input and supplement toolset includes a budget tool. (see page 34).

***Regarding claim 14:***

Rankin teaches that the data input and supplement toolset includes a payment tool.

(see page 38).

***Regarding claim 15:***

Rankin teaches that the data input and supplement toolset includes an contract tool.

(see page 27).

***Regarding claim 16:***

Rankin teaches that the data input and supplement toolset includes a teamwork toolset.

(see page 27).

***Regarding claim 17:***

Rankin teaches that the project teamwork toolset includes a collaboration tool. (see page 27).

***Regarding claim 21:***

Rankin teaches that the data store contains links to other data in the system such that a change to one item or component is propagated to all linked data. (see pages 28-30).

***Regarding claim 24:***

Rankin teaches including an order fulfillment tool. (see page 58).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 19-20,22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin in view of Burbridge et al. (US Pat. No. 6,868,370).

***Regarding claim 19:***

Burbridge , not Rankin, teaches that the project teamwork toolset includes a request for information tool. (*see column 6, lines 42-67, column 8 lines 47-59*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because a request for information tool helps information to move more efficiently between team members.

***Regarding claim 20:***

Burbridge, not Rankin, teaches that the project includes a design phase, a modification phase and a procurement phase, and data is entered and modified throughout each such phase. (*see column 2, lines 50-65, column 3 generally*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because having separate phases provides for better project management.

***Regarding claim 22:***

Burbridge, not Rankin, teaches that the data input system includes a CAD software plug-in. (*see column 5, lines 1-8*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because a CAD software plug-in allows for more efficient project management.

***Regarding claim 23:***

Burbridge, not Rankin, teaches that the data store is updated in real time. (see column 1, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Burbridge. Motivation to modify exists because updating in real time allows for more efficient project management.

10. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rankin in view of Scott et al. (US Pub. No. 2002/0052862).

***Regarding claim 18:***

Scott, not Rankin, teaches that the project teamwork toolset includes a message center. (see page 8, ¶ 162).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rankin with Scott. Motivation to modify exists because a message center helps to process information more efficiently.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Basit whose telephone number is 571 272-7246.

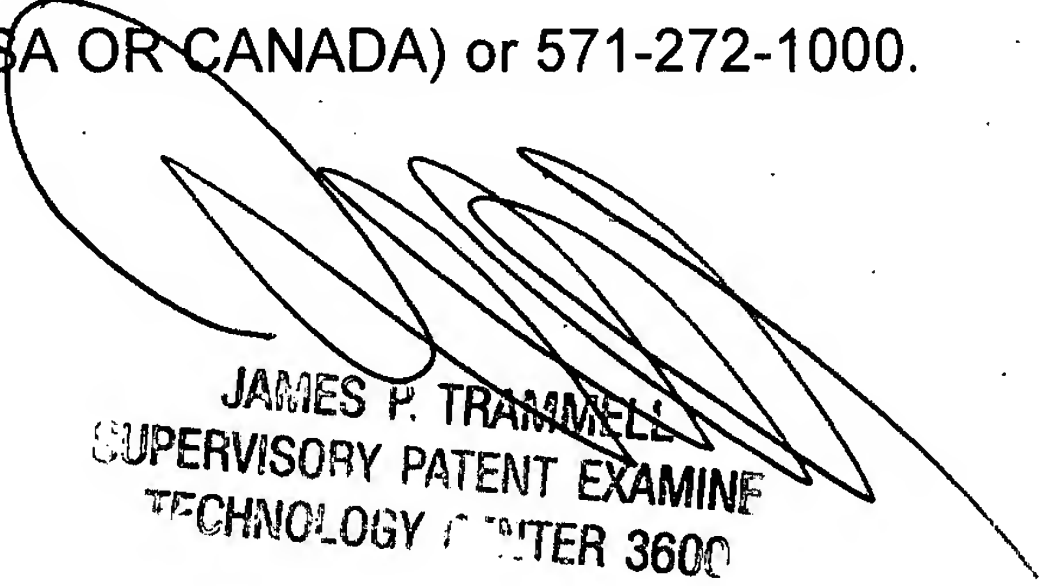
The examiner can normally be reached on Monday - Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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